

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:10-CR-00173-KJD-RJJ

V.

## ORDER

BRETT COMBS,

Defendant.

Before the Court are Defendant Brett Combs' ("Defendant") Motions 1) for Leave to Proceed in forma pauperis (#171); 2) to Discharge Counsel and Obtain File, or in the Alternative, Keep Counsel on Case to Provide Supplemental Brief (#173).

The Court notes that Defendant is *pro se*, meaning that his submissions to the Court are “to be liberally construed, and . . . however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citations and internal quotation omitted).

## I. In Forma Pauperis

As for Defendant's Motion to proceed in forma pauperis (#171), there is no filing fee for bringing a claim under 28 U.S.C. § 2255. See Rule 3, Rules Governing § 2255 Proceedings,

1 Advisory Comm. Notes (1976). Accordingly, Defendant's Motion for Leave to Proceed in forma  
2 pauperis (#171) is **HEREBY DENIED** as moot.

3 II. Discharge Counsel and Obtain File, or in the Alternative, Keep Counsel

4 As noted above, Defendant is *pro se*, making moot his petition to either discharge or keep  
5 counsel. However, the Court **HEREBY ORDERS** Todd M. Leventhal to provide Defendant's file to  
6 him, to the extent Mr. Leventhal has not already done so. Accordingly, Defendant's Motion to  
7 Discharge Counsel and Obtain File, or in the Alternative, Keep Counsel on Case to Provide  
8 Supplemental Brief (#173) is **GRANTED** in part and **DENIED** in part, congruent with the  
9 discussion above.

10 DATED this 9th day of October 2013.



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14 Kent J. Dawson  
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16 United States District Judge  
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